

FINAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Post Hearing Modification

Section 63-405.1 et seq.

Specific Purpose:

This section is being modified to delete all references to the seven-year time limit (and its corresponding section number) for qualified noncitizens. The adoption of these regulations will effectively eliminate the seven-year time limited noncitizens. Affected noncitizens will reach the five-year residency requirement for indefinite food stamp eligibility prior to reaching the seven-year limit. As a result, there will no longer be seven-year time-limited noncitizens.

Additionally, reference to Section 63-405.13 has been renumbered to Section 63-405.12 due to the deletion of the original Section 63-405.12.

Factual Basis:

The Farm Bill of 2002 [Public Law (P.L.) 107-171] grants indefinite federal food stamp eligibility to qualified noncitizens that have resided in the United States for five years. Therefore, these qualified noncitizens will meet indefinite eligibility criteria two years prior to reaching the seven-year time limit for eligibility. Federal Administrative Notice 03-17 specifically states that the seven-year time limit should be removed from policy materials.

Section 63-405.13 has been renumbered to Section 63-405.12 to maintain uniformity and consistency within the Manual of Policies and Procedures.

Post Hearing Modification

Section 63-405.12 et seq.

Specific Purpose:

This section, in its entirety, is being repealed because the adoption of these regulations, granting indefinite federal food stamp eligibility after five years of residency in the United States, effectively eliminates the seven-year time limit for qualified noncitizens. Affected noncitizens will reach the five-year residency requirement and will, therefore, become indefinitely eligible for federal food stamp assistance prior to reaching the seven-year time

limit as described in this section. As a result, there will no longer be seven-year time-limited noncitizens.

Factual Basis:

The Farm Bill of 2002 (P.L. 107-171] grants indefinite federal food stamp eligibility to qualified noncitizens that have resided in the United States for five years. Therefore, these qualified noncitizens will meet indefinite eligibility criteria two years prior to reaching the seven-year time limit for eligibility. Federal Administrative Notice 03-17 specifically states that the seven-year time limit should be removed from policy materials.

Post Hearing Modification

Section 63-405.13 et seq.

Specific Purpose/Factual Basis:

This section, in its entirety, is being renumbered due to the repeal of the previous section. This maintains uniformity and consistency within the Manual of Policies and Procedures.

Section 63-405.136

Specific Purpose:

This section is adopted to incorporate changes regarding federal food stamp eligibility for legal noncitizens.

Factual Basis:

This section is necessary to adopt into regulations P.L. 107-171, Title IV, Section 4401, which became effective on May 13, 2002. P.L. 107-171 amends the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which restores federal food stamp eligibility for legal noncitizens that have been in the country for five or more years.

Final Modification

This section is renumbered to Section 63-405.126 because of the repeal of the previous sections. This maintains uniformity and consistency within the Manual of Policies and Procedures.

Section 63-405.136(a) (Handbook)

Specific Purpose:

This handbook section is being added to further define the five-year qualifying period for legal noncitizens.

Factual Basis:

This handbook section is necessary to ensure that the qualifying five-year period for the application of this section is calculated uniformly and correctly in accordance with P.L. 107-171, Title IV, Section 4401.

b) Identification of Documents Upon Which Department Is Relying

- Public Law 107-171, Title IV, Section 4401
- United States Department of Agriculture, Food and Nutrition Service, Administrative Notice 03-04, dated October 21, 2002.
- United States Department of Agriculture, Food and Nutrition Service, Administrative Notice 03-17, dated March 21, 2003

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not school districts. There are no “state-mandated local costs” in these regulations, which would require federal and state reimbursement due to increased administrative costs under Section 17500 et seq. of the Government Code. These regulations are federally mandated. The conversion of recipients from the California Food Assistance Program to the federal food stamp program will result in a significant savings to the state in providing benefits to this population. The local, state, and federal agencies share administrative costs. Increased costs in benefits are paid entirely by the federal government.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

f) Testimony and Response

These regulations were considered as Item #2 at the public hearing held on May 21, 2003 in Sacramento, California. No written or oral testimony was received during the 45-day comment period from April 4, 2003 to 5:00 p.m. May 21, 2003.

g) 15-Day Renotice Statement

At the Department's discretion, these regulations were further amended following the public hearing. Pursuant to Government Code Section 11346.8, a 15-day renotice and complete text of modifications made to the regulations were made available to the public following the public hearing from July 2, 2003 to July 17, 2003. No public comment was received as a result of this 15-day renotice.